

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

**SECURITIES INVESTOR PROTECTION  
CORPORATION,**

**v.**

**BERNARD L. MADOFF INVESTMENT SECURITIES  
LLC,**

**Defendant.**

**Adv. Pro. No. 08-01789 (SMB)**

**SIPA LIQUIDATION**

**(Substantively Consolidated)**

**In re:  
BERNARD L. MADOFF,**

**Debtor.**

**IRVING H. PICARD, Trustee for the Liquidation of  
Bernard  
L. Madoff Investment Securities LLC,  
Plaintiff,**

**v.**

**NORMAN J. BLUM**

**Defendant.**

**Adv. Pro. No. 10-04846 (SMB)**

**DECLARATION OF RICHARD A. KIRBY IN SUPPORT OF BLUMS' PRE-  
HEARING BRIEF IN OPPOSITION TO TRUSTEE PROFIT WITHDRAWAL  
MOTION**

I, Richard A. Kirby, hereby declare as follows:

1. I am a partner at Baker & McKenzie, LLP. My firm serves as counsel to Dr. Joel Blum and Dr. Norman Blum, who are among the group of "Participating Customers" in opposition to the Trustee's Profit Withdrawal Motion in the above-captioned proceeding. I am authorized to make this Declaration on the Blums' behalf and in support of their pre-hearing brief in opposition to the Trustee's Profit Withdrawal Motion.

2. Attached hereto as Blum Exhibit A is a true and correct copy of Dr. Norman Blum's proof of SIPA Claim with respect to account 1B0201.

3. Attached hereto as Blum Exhibit B is a true and correct copy of Dr. Joel Blum's proof of SIPA Claim for account 1B0251.

4. Attached hereto as Blum Exhibit C is a true and correct copy of Dr. Norman Blum's proof of SIPA Claim with respect to account 1B0190.

5. Attached hereto as Exhibit D is a true and correct copy of the Principal Balance Calculation as Applied to Norman J. Blum of June 10, 2016, prepared by Matthew B. Greenblatt, CPA/CFF, CFE Senior Managing Director FTI Consulting, Inc. for the pending adversary proceeding in *Picard v. Norman Blum*, 10-adv-04846 (concerning Account 1B0190)

6. Attached hereto as Blum Exhibits E and F are true and correct copies of the Notice of Trustee's Determination of Claim for J. Blum and Notice of Trustee's Determination of Claim for N. Blum.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

/s/ Richard A. Kirby  
Richard A. Kirby

Dated: September 23, 2016  
Washington, D.C.

**CERTIFICATE OF SERVICE**

I certify that on September 23, 2016, I arranged for electronic filing of the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to all attorneys of record via the CM/ECF system.

s/ Richard A. Kirby  
Richard A. Kirby (*Pro Hac Vice*)